

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIGS NYC LLC, EVANTHIA a/k/a “EVA” :
RAJWANS, and BHUPINDAR a/ka/a “BHINDA” :
RAJWANS, :

Plaintiff, :

-against- :

G.M. MADONNA & CO., LLC f/k/a DIGS MODA :
GROUP, LLC f/k/a DIGS MODA LLC, :
MADONNA & CO., LLC f/k/a DIGS MODA :
SOHO LLC, MADONNAANDCO.COM, LLC :
f/k/a DIGS MODA.COM LLC, and GERALYNN :
MADONNA, :

Defendants. :

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No. 14 Civ. 0538 (PAC)

**THIRD AMENDED CASE CIVIL
MANAGEMENT PLAN AND
SCHEDULING ORDER**

This Case Management Plan, submitted in accordance with Rule 26(f), Fed. R. Civ. P., is adopted as the Scheduling Order of this Court in accordance with Rule 16(f), Fed. R. Civ. P.

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. Amended pleading may not be filed and additional parties may not be joined except with leave of the Court. See pre-motion conference requirement located in my Individual Practices.
4. Initial disclosure pursuant to Rule 26(a)(1), Fed. R. Civ. P., shall be completed by: 6/6/2014.
5. All fact discovery shall be completed not later than 2/13/2015.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided all fact discovery is completed by the date set forth in paragraph 5 above:
 - a. Initial requests for production of documents to be served by 6/20/2014.
 - b. Interrogatories to be served by: 6/20/2014.

- c. Depositions to be completed by: 2/6/2014.
 - d. Requests to Admit to be served by: 2/6/2014.
7. a. All expert discovery shall be completed no later than 3/30/2015. [Absent exceptional circumstances, a date forty-five (45) days from the date in paragraph 5, i.e., the completion of all fact discovery.]
- b. No later than thirty (30) days prior to the date in paragraph 5, i.e., the completion of all fact discovery, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) plaintiffs' expert reports shall be due before those of defendants' expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 7(a).
8. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements.
9. All counsel must meet fact-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery.
10. a. Counsel for the parties have discussed an informal exchange of information in aid of an early settlement of this case and have agreed upon the following: The parties have exchanged information in connection with plaintiff's motion for a preliminary injunction but such exchange has not benefitted potential settlement.
- b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. On December 10, 2014, the parties participated in the District's Mediation Program but the mediation did not result in settlement. Counsel for the parties propose that the settlement conference set forth in paragraph 9 be conducted before a Magistrate Judge.
- c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph 9, be employed at the following point in the case: after the close of fact discovery.
- d. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.
11. The Final Pretrial Submission Date is thirty (30) days following the close of fact and expert discovery (whichever is later). By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned Individual Practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions in limine (for which the pre-motion conference requirement is waived) shall be filed by the Final Pretrial Submission Date. If this action is to be tried before a jury, proposed void dire, jury

instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Rule 51(a)(2)(A), Fed. R. Civ. P. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted by the Final Pretrial Submission Date.

12. Counsel for the parties have conferred and their present best estimate of the length of trial is 4 days.
13. The "dates" column below shall be filled out by counsel.

13. Civil Case Management Plan Requirement	Dates:
Initial Disclosure pursuant to Rule 26(a)(1), Fed.R.Civ.P. to be served no later than	6/6/2014
All fact discovery to be completed no later than:	2/13/2015
Discovery – initial requests for production of documents to be served no later than:	6/20/2014
Discovery – interrogatories to be served no later than:	6/20/2014
Discovery – depositions to be completed no later than:	2/6/2015
Discovery – requests to admit to be served no later than:	2/6/2015
All expert discovery to be completed no later than:	3/30/2015
Parties to meet to confer on schedule for expert disclosures no later than:	1/13/2015
All counsel to meet face-to-face to discuss settlement no later than:	2/27/2015
Date recommended by counsel for alternate dispute resolution:	2/25/2015

TO BE COMPLETED BY THE COURT:

14. The next conference is schedule for 3 / 25/2015 at 02 : 30 ~~XXX~~PM in Courtroom ~~14D~~. 14C. The 2/25/15 PTC is marked off the calendar, and the Clerk of Court shall terminate docket entry # 41.

This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend shall be made in a written application in accordance with paragraph 1(E) of the Court's Individual Practices and shall be made no less than two (2) days prior to the expiration of the date sought to be extended.



Paul A. Crotty
United States District Judge

Dated: 1 / 5 / 2015¹⁵
New York, NY